

SPiRiT OF THE PRESS.

EDITORIAL OPINIONS OF THE LEADING JOURNALS UPON CURRENT TOPICS—COMPILED EVERY DAY FOR THE EVENING TELEGRAPH.

Major-General Sickness.

From the N. Y. Tribune. The President has issued an order mustering General Sickness out of the service. We have been expecting this for some time, although we hoped that His Excellency would refrain from an act of vindictiveness towards a gallant soldier. General Sickness retires to the grade of a colonel, to be ordered, perhaps, to proceed to Walrusia, and report to General Rousseau, who was promoted by Johnson as a partisan of his policy, and confirmed by the Senate notwithstanding. There are one or two points about the career of General Sickness which make this peculiarly vindictive. When secession was threatened in the House, Sickness, then a Democratic member from New York, made a speech as patriotic as that which gave Johnson his fame. When the Sumter guns were fired he was among the first Democrats to volunteer, and he raised the first brigade that entered the service. He served through the war, losing his leg at Gettysburg, and gaining a military distinction which no other military officer from civil life has surpassed.

When reconstruction became necessary, General Sickness was continued in his command. He possessed the confidence of the President in a large degree. Of all the reconstruction commanders, he was the one in whom the President most confided. As the policy of Mr. Johnson developed its antagonism to the country, General Sickness used his best efforts to warn him of the danger of his course, of its injustice to the freedmen and the loyalists of the South, of the impossibility of restoring the Union upon any basis but that of liberty, mercy, and justice. When the Reconstruction act was passed, no commander was more earnest to execute the will of the people. His administration of the Carolinas exhibited a broad, generous, intrepid statesmanship. Justice was done to all. The freedmen were protected. The Rebels were not oppressed. We remember how he made the Rebels respect the flag, and how swiftly he put his sword through the laws which sought to restore the lash for the negro. When famine threatened the people, the foresight of Sickness prevented its coming. But he ceased to please Mr. Johnson. He could not carry out the infamous policy which the President sought to impose on the country, and in defiance of the wishes of Congress, he was removed. That removal is now followed by his degradation from the rank of a major-general.

The people will insist that Congress shall grant some compensation. It is dreadful to see one after another of our champions stricken down for devotion to us, while men like Rousseau are promoted. Terry is banished from Richmond, Sheridan is whirled out to Kansas, Sickness is reduced to his colonelcy. We presume Howard will follow. The President seems resolved to punish every man within his reach who dares to oppose his policy. At the same time he succeeds in coaxing Congress to confirm his favorites. This must end; and Congress should, if possible, make an example of the case of Sickness. No officer has sacrificed more to the cause of liberty and justice, and our representatives should find a way of rewarding him.

General Grant for President.

From the N. Y. Times. We have received a great many communications touching General Grant's political position, and urging his nomination for the Presidency. We see no good to be accomplished by publishing them. General Grant's nomination cannot be effected by newspaper pressure, nor by political or party appeals of any kind—nor ought it, if it could. Elaborate arguments to prove him a radical, and equally elaborate arguments to prove him a conservative, will do him no good, and we trust they will do him no harm. If he is nominated at all, it will not be because he is specially acceptable to any party, nor to serve the purposes of any faction. It will be because the people feel that he is needed to serve the country. It will be because there is a great work to be done, and because he is recognized as preëminently the man to do it.

What the country needs now more than anything else is pacification. We need peace—not only in form, but in fact, peace that shall involve harmony of sentiment, unity of purpose and of feeling among the people of the sections lately at war. Without such a peace as this, nothing else that we may think we have secured will be worth a straw. We may force negro suffrage upon the South, and maintain it by the bayonet; but until there be some different tenure than that, it will be a curse instead of a blessing to all concerned, and especially to the negroes themselves. When negro suffrage can be established in the South with the assent of the Southern people—an assent based on the conviction that it is intended for the common good, and is not simply another form of hostile force, it will consolidate Southern political society, and contribute largely to the good of the whole country. But this state of things cannot be reached until peace—the spirit of peace, as well as its form—is restored to the section lately at war. And the same thing is true of all the changes and reforms which should follow in the South as the results of the war. We may force them upon the Southern States as upon a conquered section. We may maintain them there by military power. But so long as this is the only hold they have upon the Southern people, they will only breed strife and contention—not contribute to the peace and strength of the common country. The South will regard them as simply force in another form.

The great mistake in what has been done since the war was closed, is that it has been done in the spirit and temper of conquerors dealing with a conquered people. After a war through a treaty, a compact to which both are equal parties; it is not imposed by the victor without the consent of the vanquished, and maintained by a constant display of armed power. Such a close of war would not be peace. It would have nothing of the spirit of peace, it would have none of the wounds, it would have none of the asperities, it would have none of the hatreds which the war had caused, and this is far more true of the peace that should follow a war between contending sections of the same country. The terms of peace, in such a case, must be such as the judgment of both parties can approve and such as both can accept without a sense of humiliation. The President's policy had this feature to recommend it at all events. Whether right or wrong in its details, it made the South an assenting and a willing party to the peace which it sought to bring about. And the great defect in the policy of Congress has been,

that it springs from a different temper and breathes a different spirit. Whether right or wrong in its details, it is imposed upon the South by force. It goes out under threats—backed up by military power, and enforced as an act and badge of subjugation rather than offered as a basis of peace which both parties can accept with honor, and as conducive to their common interests. Differences of detail would have been very easily adjusted, if the subject had been thus approached in the spirit of a real and substantial peace.

That this has not been done. We are as far from real peace to-day as we were when the war was closed. Indeed, the feeling that now prevails between the two sections is less peaceful, more bitter and more hostile, than it was when Lee surrendered to Grant. The people feel this to be the fact, and they deplore it as calculated to plunge the country deeper and deeper into trouble and confusion. We are not coming out of the war with either credit to ourselves or profit to the country. We are simply prolonging its enmities and widening the breach which the cessation of armed strife ought to have closed. Nor does the progress of reconstruction, under the law of Congress, promise speedy relief. That is regarded as a hostile act by the people of the Southern States—as intended to overturn and humiliate them, and as calculated to disorganize their society and destroy their prosperity.

The coming Presidential election will bring this matter to an issue. If the Democratic party should elect a President representing the principles and policy to which they have adhered throughout the war, we should have the whole contest to be fought over again, in the political arena, if not in the field of arms. If the Republicans, on the other hand, should elect one of their "representative men"—a politician who has achieved distinction by being a war of sentiments and ideas against the South, he would carry the bitterness thus engendered into his administration of public affairs, and would renew the asperities of a contest which had been finally and victoriously closed. In either case pacification would not be secured. That can be brought about only by an administration which shall inherit none of the hatreds and heats of former contests, and which can act with no other trammels than such as a supreme regard for the honor of the country, and the permanent welfare of its free institutions may impose.

We believe the people of the whole country recognize the necessity of such an administration, and recognize General Grant as its proper head. No section, no class, and no party distrusts his patriotism, his practical wisdom, or his magnanimity. We believe the Springfield Republican is quite right in saying that very many members of the Republican party have looked to him, from the very close of the war, as more likely than any other man in the nation to reconcile both sections to each other and to such a policy of administration as the good of the nation might require. Thus far he has done nothing to forfeit that opinion. His hold upon the country has grown stronger with every day's experience of his temper, his opinions, and his character. The South would accept from his hands, and under his administration, measures which, from one more identified with the strife of parties, they would reject and resent as insulting to their pride and hostile to their interests. He would have their confidence instead of exciting their distrust. And he would thus be able, far beyond any other man, to restore peace to the country, put an end to sectional strife, and enable us to legislate for the common good of the common country.

The Commerce of South America—Our Steamship Wants.

From the N. Y. Herald. While the commercial world is looking westward for its greatest development, the fact that an immense and valuable section of the globe lies to the south of us appears to be almost entirely ignored, at least neglected by our men of enterprise and by our Government. In the meantime the other nations are seizing with the greatest avidity all those splendid opportunities which exist in the South American countries to build up a vast foreign commerce. There is scarcely a month that passes in which we fail to chronicle the establishing of some new steamship route on the part of France or England. The enormous advantages reaped can alone be computed by taking into consideration the effect of steam communication between two countries. A thousand new enterprises spring into active existence as soon as a new line is established. A quick and certain passage to a foreign port induces the business men of the country to send out agents to report upon opportunities for profitable investment of capital. The wants of a foreign people become known before it is too late to supply them, as in case of the knowledge gained through sailing ships. The steamers, moreover, offer a medium for a more rapid turning of capital, and consequently its freer investment. Such facilities create new demands, and new demands draw upon the energies of a people in the form of increased supply. This is eminently proved by the lines which have been established. The commerce of England and France with different countries has, thus far, increased in an arithmetical ratio with the steamship facilities which they have forced into existence and fostered under all circumstances. Upon the west coast of South America the English have absorbed nearly the entire steam traffic, and consequently made it an special avenue for the promotion of English enterprise, as opposed to the commercial development of any other people. The advantages accruing to them are best shown by the fact that the English control the greater part of the trade of Chili, Bolivia, Peru, and New Granada. So profitable has this steamship policy shown itself in indirect benefits, as well as direct, that a new line is now started from Valparaiso to England via the Straits of Magellan and Rio Janeiro.

The east coast of South America presents a scarcely different picture from the west coast, so far as American steamships are concerned. We have there, as elsewhere, let the vast and growing trade pour its wealth into European coffers, scarcely attempting to divert it into its more natural channel, the United States. We have quietly looked on and seen the first English steamship line tap the Brazilian trade, and struggle upward by national aid until English commerce with Brazil grew in a few years to a gigantic figure. Then came an English line from Rio Janeiro to La Plata, and the vast and most fertile valley of South America looked towards England for its supplies and its principal trade, while all over its territory rapid communication with the mother country enabled English capital to grasp the magnificent opportunities to develop the countries internally and turn their resultant advantages towards England.

The French, with eyes wide open to the great truth demonstrated by England, that steam lines are absolute necessities to commercial greatness, have made wonderful strides in the past few years. Their lines tap South America along the east coast and up the Plate river to Buenos Ayres. The splendid country of Bolivia—the Alto Peru out of which the Spaniards reaped such a harvest of wealth—is now seeking to de-

velop her commerce in a new direction. Heretofore, almost her entire exports and imports have, on the backs of men and mules, in a six hundred mile journey, crossed the Andes to the Pacific; and from the miserable ports of Peru and Bolivia, bordering the Atacama desert, the trade has made the Cape Horn transit to and from the commercial marts of the world.

The efforts which have heretofore been made to give all this commerce an eastern and natural flow have proved unavailing, because the policy of Brazil has closed the Amazon river to foreign trade. The late decree, however, of the Brazilian Government opening the Amazon to commerce gives Bolivia new life and hope. We see now that Colonel Quintin Quevedo, late Envoy Extraordinary from Bolivia to Mexico, is on his way to Rio Janeiro to conclude a full commercial treaty with Brazil, looking to the opening of the splendid navigable affluents of the Amazon and La Plata rivers in Bolivia. It is fortunate that Bolivia has selected so energetic and able an agent to close such a treaty at once. Brazil can but derive immense advantages from it. Our men of enterprise cannot be too active in endeavoring to grasp this Bolivian and South American trade. Could they look into English, Spanish, and French coffers, and see the immense returns which have accrued from the quiet prosecution of South American commerce, they would open their eyes to the fact that there is an East Indian empire to the south of us which only requires the magic touch of our energies to turn its wonderful riches into American channels.

Thus far we have one steamship line to Rio Janeiro, which has been forced into existence entirely by private energy. Another local line is struggling into notice on the Plata and Brazilian coast. Both of these steamship companies promise advantages to our trade in that direction. But these are not enough. We must have a complete steamship system tapping the trade of the whole of South America. It must equal, if not exceed, in facilities the English and French lines. To do this the United States must give its unqualified aid—not only aid by appropriations, but also look to the interior of the countries which we propose to open. Send men of brains to represent our national interests there and watch the political developments which are so largely influenced by France and England. We must have men who can compete with the representatives of other countries in South America. Let Congress shape us, then, a broad commercial policy, and assist in giving us a thorough system of steam lines which shall turn the commerce of the world to our shores.

The Constitution Expounder.

From the N. Y. Tribune.

Binckley must hide his diminished head; for a greater than Binckley is here! The public has not yet forgotten the luminous and voluminous opinions last summer of our distinguished President's distinguished Attorney-General, Mr. Stanbery, in reference to the Military Reconstruction laws of March 2 and March 24, 1867. In the very teeth of these laws he decided officially that, throughout the South, every Rebel was to be his own registrar, and that our army there, and the Military Commanders of these Southern Departments, were but a posse comitatus to carry out the will of Rebel Governors and Mayors. He then rested from his labors, and since that time the brilliant Binckley has illuminated the world with opinions and decisions in his stead.

But the Attorney-General, evidently envious of his Assistant's fame, has just appeared in print, over his own initials, in the National Intelligencer, to prove that the first session of the Fortieth Congress, commenced by a law of the last Congress on March 4, 1867, and not yet concluded, is, notwithstanding A. J.'s signature to its bills and the vetoes with which he has honored it, an unconstitutional assemblage. In this remarkable newspaper opinion, he quotes the Constitution correctly as follows:

"The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday of December, unless they shall by law appoint a different day."

That quotation upsets all his argument, for, 1. It shows that Congress must meet "at least once in every year," plainly declaring that it may meet oftener. 2. Such meetings must be on a certain day, "unless they shall by law appoint a different day." 3. The law of January 22, 1867, which he quotes, enacts that, in addition to the December meeting, there shall be in the first year of each Congressional term an additional meeting, commencing on the 4th of March.

Attorney-General Stanbery on the Meeting of Congress.

From the N. Y. World.

That most clear-headed and sensible of writers, Dr. Paley, in the preliminary chapter of his "Evidences," makes this statement:—"But the short consideration which, independently of every other, convinces me that there is no other deity, is the following:—When a theorem is proposed to a mathematician, the first thing he does with it is to try it upon a simple case, and if it produce a false result, he is sure that there must be some mistake in the demonstration."

It is not always, nor perhaps often, that a piece of political or legal reasoning can be submitted to a like simple and decisive test. One of the few such instances is furnished by the subtle argument of Mr. Stanbery in the National Intelligencer against the constitutional validity of the several sessions of the Fortieth Congress prior to the first Monday in December. The consequences which would follow, instead of prejudicing us against Mr. Stanbery's reasoning, would rather prepossess us in his favor. If the meetings he impugnes were without any constitutional authority, and had no right to be held, all the acts passed at them would be null quite irrespective of the authority of a Congress constitutionally assembled to pass them. We wish this conclusion applied to solid grounds, but we must not proceed on solid grounds, but on the sense of logical cogency. The Attorney-General, despite his ingenious reasoning, is clearly wrong, and we think it our duty to save those with whom we associate from indulging an untenable position. We expect to make his error so apparent as to foreclose any further discussion of the subject. We are happily under no necessity of following the steps of his technical and lawyerlike reasoning; but to make our argument intelligible, we must exhibit his

positions; which can be most easily and fairly done by quotations.

"It is true the term for which members are elected, whether Senators or Representatives, commences and is dated from the 4th of March; but that does not affect the time fixed for the regular annual sessions. To organize a new Congress cannot meet under the constitutional provision, before the first Monday in December, unless Congress, by law, appoints a different day for such regular annual sessions; there can be no constitutional meeting of Congress prior to the first Monday in December; any meeting of the Congress in the intervening period would be an extra session, and only be called by the President, on an extraordinary occasion demanding it, of which he is the judge.

"The Constitution does not anywhere, in any other way, provide for any other than regular sessions of the Congress. It does not authorize Congress to provide for an 'additional meeting,' but simply gives them power to change the day for such regular meeting from the first Monday in December by appointing a different day."

"There is a first and second session of each Congress; and a meeting of a new Congress commencing before the time thus fixed by the Constitution for it to assemble in regular legislative session cannot be legalized by calling it 'an additional session,' or an 'additional meeting.'"

"Hence there is no room for any 'additional session' of the same Congress, otherwise than in an extra session; and an extra session can be called only by the President; otherwise the Congress exercises the power not only to convene an extra session, but also to create an extraordinary session for it, and to convene it on such extraordinary session, in contravention of the powers of the President."

"There is obviously no soundness in this doctrine unless it applies to every Congress alike—to the First as well as the Fortieth. Every Congress in the whole series possesses precisely the same powers, all being derived from the same common origin, the Constitution. The powers conceded to any must be conceded to all; the powers denied to any one must be denied to every one, from the beginning downwards. Now, the provision fixing the first Monday in December for the beginning of the annual session, unless Congress itself should otherwise determine, was in the Constitution before Congress assembled for the first time, on the 4th of March, 1789. If Mr. Stanbery is correct, that session was unconstitutional and all its acts void. It was not a meeting on the first Monday in December, as the Constitution provides. It was not a meeting in pursuance of a law of Congress fixing a different day, for Congress had never before met, and could have passed no such law. It was not an extra session called by the President, the electoral vote not having been counted, nor the President sworn in. There was a necessity for Congress meeting before there could be a President. If the members had been of Mr. Stanbery's opinion, they would, after an informal consultation, have forborne to organize, postponed their meeting to the December following, and dispersed to their homes. If they had been of Mr. Stanbery's opinion, they must have felt that all the great acts they passed at that session, acts for creating the departments and organizing the Government, acts on which all its operations have depended from that day to this, would be acts of usurped authority and constitutionally void.

Mr. Stanbery's fundamental error consists in the assumption that the powers of Congress respecting its meetings and adjournments are derived from the Constitution; an error exploded by Jefferson in an able reasoned Cabinet opinion prepared in 1790. Jefferson's reasoning has too much detail to be given. The positions it supports are thus stated by himself:—"Each House of Congress possesses this natural right of government to meet, and consequently of fixing its own times and places of meeting, so far as it is not abridged by the law of those who employ them; that is to say, by the Constitution. This is not a power which Congress manifestly considers as possessing this right of course, and therefore has nowhere given it to any other power. In the several passages where it touches this right, it treats it as an existing thing, not as one called into existence by them. To do this would be to give the right of adjournment to the President, and the right of adjournment is touched; and it will be seen that no one of them pretends to give that right; that, on the contrary, every one is evidently introduced either to enlarge the right where it would be too narrow; to restrain it where, in its natural and full exercise, it might be too large; and lead to an inconvenience to defend it from the latitude of its own phrases, where these were not meant to comprehend it; or to provide for its exercise by others, when they cannot exercise it themselves."

Such was Jefferson's position; the reasoning by which he sustained it may be seen by consulting his official papers. The right of adjournment is correlative to that of meeting; every adjournment which is not sine die having reference to some future time of meeting. Both are expressly included by Jefferson, in the paragraph we have quoted and throughout his argument. In the preceding paragraph he says: "When a certain description of men are to transact together a particular business, the times and places of their meeting and separation depend on their own will; they make a part of the natural right of self-government." It was in the exercise of this right that the first Congress assembled on the 4th of March;—this is our inference, not Jefferson's; he had no occasion to allude to that point. It is true that the day was appointed by the Congress of the Confederation; but supposing Mr. Stanbery's doctrine true, what right had that body to prescribe a violation of the Constitution? The Constitution gave it no right to prescribe anything at all on any subject whatever. This method of bringing the first Congress together was adopted for convenience; the authority to assemble depended on the consent of the Congress itself.

Every provision of the Constitution should be interpreted with reference to its object. The object of that which Mr. Stanbery makes the corner-stone of his reasoning is obviously to secure meetings of Congress as often at least as once a year. Fixing the first Monday in December in case Congress itself does not adopt a different day, is merely subservient to that object. It provides against a default of at least one meeting a year by the negligence of Congress to fix a day. That it was so understood by the early Congresses is perfectly evident by the date of their meetings. The first meeting of the first Congress was on the fourth of March. The next, instead of being on the first Monday in December, was on the fourth of January following. Having held one session the preceding year, Congress had complied with the Constitution, and was under no obligation to begin a new session in December. The third session opened on the regular day. The first session of the Second Congress commenced on the 24th of October; its second on the 5th of November. As the design of the Constitution in fixing a day was merely to make sure of a meeting at least once a year, in case Congress neglected to provide for one, so the design of authorizing the President to call extra sessions was merely to provide for contingencies which Congress could not foresee, and remedy the uncertainty of spontaneous meetings on extraordinary occasions. The object of these provisions was, not to restrain redundancy, but to supply possible neglect; not to prevent Congress from sitting as often and as long as it pleased, but to compel Congress to sit when it might not incline to assemble of its own will.

Mr. Stanbery holds the extraordinary doctrine that Congress cannot, even by an act of

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legislation, provide for more than one session a year. If there be more than one, it must be an extra session called by the President. If the phrase "at least once" can be fairly construed to mean "only once," his opinion may be tenable; but not otherwise. In point of fact, Congress did provide for meeting in January, 1790, and met also in December of the same year. If it be said that the act was passed by the same Congress the time of whose meeting it designated, the remark is true but not pertinent. As Mr. Webster said, with the masculine clearness in which he so much excelled, "Every one at all accustomed to the consideration of such subjects knows that every Congress can bind its successors to the same extent that it can bind itself." But why should we stand bayoneting the legs of a theory after the breath is out of its body?

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